BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

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| IN RE PET FOOD PRODUCTS LIABILITY LITIGATION | : | CASE NO. MDL DOCKET NO. 1850 |
| | : | **DECLARATION OF MICHAEL HAYES OF DEL MONTE FOODS COMPANY IN SUPPORT OF DEFENDANTS' MOTION TO ADOPT THE RETRIEVAL PLANS FOR ORGANIZED PRODUCT THAT WERE RECOMMENDED BY DEFENDANTS' EXPERT** |

STATE OF Pennsylvania )
) ss:
COUNTY OF Allegheny )

Michael Hayes, being first sworn upon oath, says:

1) I am the Director of Quality Assurance of Defendant, Del Monte Foods Company (Del Monte). I make this Declaration based upon personal knowledge and am competent to testify to the matters stated below.

2) In my position as Director of Quality Assurance for Del Monte, my duties and responsibilities include overseeing quality control of Del Monte's production of pet food and treats; accounting for and managing the recalled pet treats, food and ingredients currently being stored by Del Monte; and overseeing Del Monte's efforts to combat infestation of same.

**Exhibit F to
Retrieval Motion**

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3) On April 1, 2007 and April 6, 2007, Del Monte recalled certain pet treats and food that may have been tainted with contaminated wheat gluten purchased from ChemNutra, Inc. As a result of the recalls, Del Monte is holding a tremendous amount of recalled product. Del Monte is currently storing one-hundred sixteen thousand, four-hundred eighty-nine (116,489) cases of recalled and held product at three (3) locations: Watsontown, Pennsylvania; Independence, Missouri; and Mira Loma, California.

4) A portion of the recalled pet treats and food held by Del Monte are inventoried by product-type ("SKU") and date of manufacture (collectively, "SKU date"). An SKU date represents all product of a particular type (or recipe) that is produced in a given production run. The product is produced in batches. Del Monte pet treat lines typically run anywhere from sixty (60) to one-hundred thirty (130) batches in a three (3) shift day. It is not uncommon for pet treat lines to run a single product for twenty-four (24) hours. Del Monte canned pet lines typically run ninety (90) to one-hundred thirty (130) batches in a three (3) shift day. Canned pet lines will typically change products (SKU's) two (2) to three (3) times per day.

5) Del Monte's production process is sequential and continuous and designed to produce pet food and treats in a uniform and systematic manner. With respect to canned products manufactured by Del Monte, meat ingredients are scaled, weighed and transferred to a mixer, where the remaining carefully and accurately measured ingredients are incorporated and blended for ten (10) minutes before cooking. With respect to the pet treat products manufactured by Del Monte, all ingredients are carefully and accurately measured and placed together in the mixer and blended for a total of twenty-five (25) minutes before extrusion. This process ensures that each batch is consistently blended and uniform throughout, before it is extruded and placed into cans or other packaging.

6) Del Monte employs multiple additional techniques to ensure that there exists virtually no variation from unit to unit for the same item and that any variation from batch to batch is nominal. With respect to Del Monte canned products, quality control checks are performed every thirty (30) minutes to ensure consistent moisture and blending. With respect to Del Monte pet treat products, quality control checks are performed on each batch of dough, as well as on extruded and composite product, to ensure uniformity. As to both groups of products, production of each batch is performed pursuant to a standardized set of instructions and check sheets to achieve a consistently uniform product. In addition, the instruments used to check the weight and flow rate of each product group are universally calibrated to ensure consistency between batches. The entire production process is designed to provide high quality pet food and treats to consumers.

7) Units are placed into cases in the order that they were produced; cases are placed onto pallets in the order in which they were filled. Accordingly, the last case placed in the top of one pallet will contain units that were produced immediately before the product in the first case placed onto the bottom of the next pallet. Moreover, product produced from an individual batch will fill many pallets.

8) The process by which pallets are filled is automated and rapid. Cases of canned products are conveyed to an automated pallet stacker at the rate of approximately thirty (30) cases per minute. Cases of pet treat products are conveyed to an automated pallet stacker at the rate of approximately two hundred fifty (250) cases per hour.

9) Pallets containing Del Monte canned products contain eighty-eight (88) or one hundred twelve (112) cases per pallet and are stacked either eight (8) or eleven (11) layers high. Pallets containing Del Monte pet treat products contain eighty (80) cases per pallet and are

stacked five (5) layers high. Due to the number of cases stacked on each pallet, the process of retrieving individual cases from other than the top of a pallet would require Del Monte employees to unwrap the pallet, remove the cases, retrieve the identified cases from within before then restacking and resealing the pallet.

10) Del Monte maintains records with respect to the amount and organization of the retained recalled product in its possession. Attachment "A" to this Declaration is an inventory list of the recalled pet treats and food currently stored by Del Monte, setting forth the number of pallets and of cases for each. Attachment "B" to this Declaration is an inventory list of the recalled pet treats and food currently stored by Del Monte, setting forth the product size for each.

11) The safest way for Del Monte or warehouse employees to retrieve cases or bags from pallets is for them to retrieve the cases or bags from the top of the pallet, as opposed to retrieving them from within different places in the pallet. The selection of cases or bags would pose a greater risk of injury if pallets (which can be stacked up to four [4] pallets high) were required to be broken down and cases or bags selected from within each pallet. There is a risk that cases or bags above will break and/or fall, possibly causing injury to Del Monte or to warehouse employees. This risk is greatly minimized if cases or bags are retrieved only from the top of a pallet, as such cases or bags can be easily identified and selected from the pallet without needing to break down the pallet.

12) I have a general understanding of Dr. McCabe's proposed retrieval plan for the products and ingredients that Del Monte is storing. Del Monte will be able to gather samples of the products and ingredients it is storing in accordance with the retrieval plan recommended by Dr. McCabe to the extent there is product available for each SKU date.

Michael Hayes

Exhibit A

| SKU | ProductDescription | LotCode | Size |
|---|---|---|---|
| 103500 | Dollar General Beef Flavored Jerky Strips Dog Treats | TP7C05 | 3 oz. |
| 103500 | Dollar General Beef Flavored Jerky Strips Dog Treats | TP7C06 | 4 oz. |
| 103500 | Dollar General Beef Flavored Jerky Strips Dog Treats | TP7C07 | 5 oz. |
| 103500 | Dollar General Beef Flavored Jerky Strips Dog Treats | TP7C08 | 6 oz. |
| 103590 | Dollar General Beef Flavored Beef Sticks Dog Treats | TP7B20 | 4.5 oz. |
| 103590 | Dollar General Beef Flavored Beef Sticks Dog Treats | TP7B21 | 4.5 oz. |
| 103590 | Dollar General Beef Flavored Beef Sticks Dog Treats | TP7C08 | 4.5 oz. |
| 103590 | Dollar General Beef Flavored Beef Sticks Dog Treats | TP7C09 | 4.5 oz. |
| 103590 | Dollar General Beef Flavored Beef Sticks Dog Treats | TP7C10 | 4.5 oz. |
| 106850 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | TP7B19 | 26 oz. |
| 106850 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | TP7B20 | 27 oz. |
| 106850 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | TP7B21 | 28 oz. |
| 106860 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | TP7B06 | 26 oz. |
| 106860 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | TP7B07/08 | 26 oz. |
| 107610 | Jerky Treats Beef Flavor Dog Snacks | TP7C05/06 | 3.75 oz. |
| 107630 | Jerky Treats Beef Flavor Dog Snacks | TP7B08 | 7.5 oz. |
| 107630 | Jerky Treats Beef Flavor Dog Snacks | TP7B09 | 7.5 oz. |
| 107630 | Jerky Treats Beef Flavor Dog Snacks | TP7B10 | 7.5 oz. |
| 107630 | Jerky Treats Beef Flavor Dog Snacks | TP7B15 | 7.5 oz. |
| 107630 | Jerky Treats Beef Flavor Dog Snacks | TP7B16 | 7.5 oz. |
| 107630 | Jerky Treats Beef Flavor Dog Snacks | TP7C05 | 7.5 oz. |
| 107630 | Jerky Treats Beef Flavor Dog Snacks | TP7C06 | 7.5 oz. |
| 107650 | Jerky Treats Beef Flavor Dog Snacks | TP7B06 | 11.25 oz. |
| 107650 | Jerky Treats Beef Flavor Dog Snacks | TP7B07 | 11.25 oz. |
| 107650 | Jerky Treats Beef Flavor Dog Snacks | TP7B08 | 11.25 oz. |
| 130040 | Jerky Treats Beef Flavor Dog Snacks | TP7B15 | 20 oz. |
| 314410 | Jerky Treats Beef Flavor Dog Snacks (BOGO) | TP7B08 | 15 oz. |
| 314410 | Jerky Treats Beef Flavor Dog Snacks (BOGO) | TP7B09 | 16 oz. |
| 363310 | Happy Tails Meaty Cuts with Beef in Gravy Dog Food | BC7A29 | 22 oz. |
| 396050 | Ol' Roy with Beef Hearty Cuts in Gravy Dog Food | BC6M21 | 13.2 oz. |
| 396060 | Ol' Roy with Beef Hearty Strips in Gravy Dog Food | BC7A19 | 13.2 oz. |
| 401870 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | TP7C08 | 30 oz. |
| 401870 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | TP7C09 | 30 oz. |
| 401870 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | TP7C10 | 30 oz. |
| 401880 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | TP7C06 | 30 oz. |
| 401880 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | TP7C07 | 30 oz. |
| 401880 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | TP7C08 | 30 oz. |
| 424070 | Happy Tails Beef Flavor Beef Sticks | TP7C08/09 | 8 oz. |
| 424110 | Happy Tails Beef Flavor Jerky Strips | TP7B08/09 | 6 oz. |
| 487280 | Jerky Treats Beef Flavor Dog Snacks | TP7B08 | 7.5 oz. |
| 487280 | Jerky Treats Beef Flavor Dog Snacks | TP7B09 | 7.5 oz. |
| 487280 | Jerky Treats Beef Flavor Dog Snacks | TP7C05 | 7.5 oz. |
| 487280 | Jerky Treats Beef Flavor Dog Snacks | TP7C06 | 7.5 oz. |
| 566400 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | TP7C05 | 6 oz. |
| 566400 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | TP7C06 | 6 oz. |
| 817080 | Pounce Meaty Morsels Moist Chicken Flavor Cat Treats | TP7C12 | 2.3 oz. |

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Exhibit B

Details

| Company | SKU | DateCode | ProductName | Pallets | Cases |
|---|---|---|---|---|---|
| DelMonte | 103500 | TP7C05 | Dollar General Beef Flavored Jerky Strips Dog Treats | 1.45 | 116 |
| DelMonte | 103500 | TP7C06 | Dollar General Beef Flavored Jerky Strips Dog Treats | 42.13 | 3370 |
| DelMonte | 103500 | TP7C07 | Dollar General Beef Flavored Jerky Strips Dog Treats | 49.40 | 3952 |
| DelMonte | 103500 | TP7C08 | Dollar General Beef Flavored Jerky Strips Dog Treats | 23.19 | 1855 |
| DelMonte | 103590 | TP7B20 | Dollar General Beef Flavored Beef Sticks Dog Treats | 20.40 | 1958 |
| DelMonte | 103590 | TP7B21 | Dollar General Beef Flavored Beef Sticks Dog Treats | 26.03 | 2499 |
| DelMonte | 103590 | TP7C08 | Dollar General Beef Flavored Beef Sticks Dog Treats | 5.64 | 541 |
| DelMonte | 103590 | TP7C09 | Dollar General Beef Flavored Beef Sticks Dog Treats | 25.76 | 2473 |
| DelMonte | 103590 | TP7C10 | Dollar General Beef Flavored Beef Sticks Dog Treats | 10.83 | 1040 |
| DelMonte | 106850 | TP7B19 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | 28.13 | 1575 |
| DelMonte | 106850 | TP7B20 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | 119.96 | 6718 |
| DelMonte | 106850 | TP7B21 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | 65.93 | 3692 |
| DelMonte | 106860 | TP7B06 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | 8.86 | 496 |
| DelMonte | 106860 | TP7B07/08 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | 23.29 | 1304 |
| DelMonte | 107610 | TP7C05/06 | Jerky Treats Beef Flavor Dog Snacks | 21.65 | 1732 |
| DelMonte | 107630 | TP7B08 | Jerky Treats Beef Flavor Dog Snacks | 10.46 | 837 |
| DelMonte | 107630 | TP7B09 | Jerky Treats Beef Flavor Dog Snacks | 47.80 | 3824 |
| DelMonte | 107630 | TP7B10 | Jerky Treats Beef Flavor Dog Snacks | 8.26 | 661 |
| DelMonte | 107630 | TP7B15 | Jerky Treats Beef Flavor Dog Snacks | 28.01 | 2241 |
| DelMonte | 107630 | TP7B16 | Jerky Treats Beef Flavor Dog Snacks | 0.56 | 45 |
| DelMonte | 107630 | TP7C05 | Jerky Treats Beef Flavor Dog Snacks | 38.53 | 3082 |
| DelMonte | 107630 | TP7C06 | Jerky Treats Beef Flavor Dog Snacks | 35.01 | 2801 |
| DelMonte | 107650 | TP7B06 | Jerky Treats Beef Flavor Dog Snacks | 7.00 | 560 |
| DelMonte | 107650 | TP7B07 | Jerky Treats Beef Flavor Dog Snacks | 48.39 | 3871 |
| DelMonte | 107650 | TP7B08 | Jerky Treats Beef Flavor Dog Snacks | 9.11 | 729 |
| DelMonte | 130040 | TP7B15 | Jerky Treats Beef Flavor Dog Snacks | 43.06 | 3445 |
| DelMonte | 314410 | TP7B08 | Jerky Treats Beef Flavor Dog Snacks (BOGO) | 14.00 | 630 |
| DelMonte | 314410 | TP7B09 | Jerky Treats Beef Flavor Dog Snacks (BOGO) | 57.69 | 2596 |
| DelMonte | 363310 | BC7A29 | Happy Tails Meaty Cuts with Beef in Gravy Dog Food | 56.08 | 6281 |
| DelMonte | 396050 | BC6M21 | Ol' Roy with Beef Hearty Cuts in Gravy Dog Food | 1.45 | 128 |
| DelMonte | 396060 | BC7A19 | Ol' Roy with Beef Hearty Strips in Gravy Dog Food | 3.20 | 282 |
| DelMonte | 401870 | TP7C08 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | 88.77 | 4971 |
| DelMonte | 401870 | TP7C09 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | 126.84 | 7103 |
| DelMonte | 401870 | TP7C10 | Ol' Roy Beef Flavor Snack Sticks Dog Treats | 18.73 | 1049 |
| DelMonte | 401880 | TP7C06 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | 85.98 | 4815 |
| DelMonte | 401880 | TP7C07 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | 170.95 | 9573 |
| DelMonte | 401880 | TP7C08 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | 61.63 | 3451 |
| DelMonte | 424070 | TP7C08/09 | Happy Tails Beef Flavor Beef Sticks | 12.79 | 1228 |
| DelMonte | 424110 | TP7B08/09 | Happy Tails Beef Flavor Jerky Strips | 14.21 | 1364 |
| DelMonte | 487280 | TP7B08 | Jerky Treats Beef Flavor Dog Snacks | 8.48 | 1356 |
| DelMonte | 487280 | TP7B09 | Jerky Treats Beef Flavor Dog Snacks | 13.15 | 2104 |
| DelMonte | 487280 | TP7C05 | Jerky Treats Beef Flavor Dog Snacks | 29.16 | 4665 |
| DelMonte | 487280 | TP7C06 | Jerky Treats Beef Flavor Dog Snacks | 16.76 | 2681 |
| DelMonte | 566400 | TP7C05 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | 31.59 | 3033 |
| DelMonte | 566400 | TP7C06 | Ol' Roy Beef Flavor Jerky Strips Dog Treats | 21.04 | 2020 |
| DelMonte | 817080 | TP7C12 | Pounce Meaty Morsels Moist Chicken Flavor Cat Treats | 7.77 | 1166 |

| SelectedCases | Units | SelectedUnits |
|---|---|---|
| 78 | 1392 | 936 |
| 43 | 40440 | 516 |
| 50 | 47424 | 600 |
| 48 | 22260 | 576 |
| 63 | 23496 | 756 |
| 54 | 29988 | 648 |
| 54 | 6492 | 648 |
| 52 | 29676 | 624 |
| 55 | 12480 | 660 |
| 87 | 9450 | 522 |
| 120 | 40308 | 720 |
| 132 | 22152 | 792 |
| 99 | 2976 | 594 |
| 96 | 7824 | 576 |
| 44 | 20784 | 528 |
| 55 | 10044 | 660 |
| 48 | 45888 | 576 |
| 54 | 7932 | 648 |
| 57 | 26892 | 684 |
| 42 | 540 | 504 |
| 78 | 36984 | 936 |
| 71 | 33612 | 852 |
| 63 | 4480 | 504 |
| 98 | 30968 | 784 |
| 70 | 5832 | 560 |
| 88 | 27560 | 704 |
| 42 | 7560 | 504 |
| 58 | 31152 | 696 |
| 57 | 75372 | 684 |
| 42 | 3072 | 1008 |
| 28 | 6768 | 672 |
| 89 | 29826 | 534 |
| 127 | 42618 | 762 |
| 95 | 8294 | 570 |
| 86 | 26890 | 516 |
| 171 | 57438 | 1026 |
| 124 | 20706 | 744 |
| 52 | 14736 | 624 |
| 45 | 16368 | 540 |
| 99 | 8138 | 594 |
| 98 | 12624 | 588 |
| 90 | 27990 | 540 |
| 102 | 16086 | 612 |
| 64 | 36386 | 768 |
| 44 | 24240 | 528 |
| 48 | 13992 | 576 |